

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

AARON COHEN, on behalf of himself and  
all others similarly situated,

Plaintiff,

No. 7:15-cv-07124-NSR

-against-

DITECH FINANCIAL LLC formerly known  
as GREEN TREE SERVICING LLC,

Defendant.

**CIVIL CASE DISCOVERY PLAN AND SCHEDULING ORDER**

Plaintiff Aaron Cohen ("Plaintiff"), on behalf of himself and all others similarly situated, and Defendant Ditech Financial LLC f/k/a Green Tree Servicing LLC ("Defendant"), by their undersigned counsel and pursuant to the Notice of Initial Court Conference [ECF No. 6], hereby submit this Civil Case Discovery Plan and Scheduling Order.

1. All parties *do not consent* to conducting all further proceedings before a Magistrate Judge, including motions and trial, pursuant to 28 U.S.C. § 636(c).

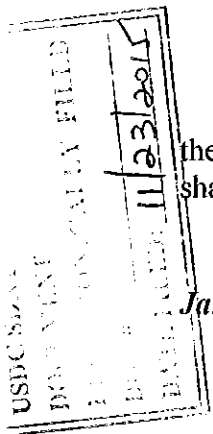
2. The parties dispute whether a jury trial is appropriate. Specifically, Plaintiff demanded a jury trial, while Defendant has raised an affirmative defense asserting that the underlying mortgage contained a jury trial waiver that encompassed the claim raised in this lawsuit.

3. Joinder of additional parties must be accomplished by *March 22, 2016*.

4. Amended pleadings may be filed until *March 22, 2016*.

5. Interrogatories shall be served no later than *January 22, 2016* and responses thereto shall be served within thirty (30) days thereafter. The provisions of Local Civil Rule 33.3 shall not apply to this case.

6. First request for production of documents, if any, shall be served no later than *January 22, 2016*.



7. Non-expert depositions shall be completed by *May 23, 2016*.

8. Any further interrogatories, including expert interrogatories, shall be served no later *August 23, 2016*.

9. Requests to Admit, if any, shall be served no later than *January 22, 2016*.

10. Expert reports shall be served no later than *June 23, 2016*.

11. Rebuttal expert reports shall be served no later than *July 22, 2016*.

12. Expert depositions shall be completed by *August 23, 2016*.

13. Initial Rule 26 disclosures shall be served by *December 23, 2015*.

14. ALL DISCOVERY SHALL BE COMPLETED BY *September 23, 2016*.

Defendant believes that prior to class certification, the Court should limit the scope of discovery to prohibit Plaintiff from seeking discovery as to or concerning the identity of individual members of the putative class. Specifically, Plaintiff should not be able to request information including loan files and names of putative class members unless and until the Court has certified the class.

Plaintiff does not agree to refrain from seeking discovery as to the members of the putative class before certification.

15. Any motions shall be filed in accordance with the Court's Individual Practices.

16. This Civil Case Discovery Plan and Scheduling Order may not be changed without leave of Court (or the assigned Magistrate Judge acting under a specific order of reference).


17. The Magistrate Judge assigned to this case is the Hon. Pawl E. Davison.

18. If, after entry of this Order, the parties consent to trial before a Magistrate Judge, the Magistrate Judge will schedule a date certain for trial and will, if necessary, amend this Order consistent therewith.

19. The next case management conference is scheduled for Sept. 30, 2016 at 10:00am

**SO ORDERED.**

Dated: November 23, 2015.

  
Nelson S. Roman, U.S. District Judge